

S. AMANDA MARSHALL, OSB #95347

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District of Oregon

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UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

PORTLAND DIVISION

UNITED STATES OF AMERICA,

v.

COMPLAINT IN REM
FOR FORFEITURE

**11385 EAST EVENS CREEK ROAD,
ROGUE RIVER, JACKSON COUNTY,
STATE AND DISTRICT OF
OREGON, REAL PROPERTY WITH
BUILDINGS, APPURTENANCES
AND IMPROVEMENTS, *in rem*,**

Defendant.

Plaintiff, United States of America, by S. Amanda Marshall, United States Attorney for the District of Oregon, and Amy Potter, Assistant United States Attorney, for its complaint *in rem* for forfeiture, alleges:

I.

This Court has subject matter jurisdiction, *in rem* jurisdiction, and venue pursuant to 21 U.S.C. § 881; 28 U.S.C. §§ 1345, 1355, 1356, and 1395; and 19 U.S.C. § 1610.

II.

Defendant, *in rem*, 11385 East Evans Creek Road, Rogue River, Jackson County, State and District of Oregon, real property with buildings, appurtenances and improvements and more particularly described as follows:

TRACT A:

COMMENCING AT THE SOUTHWEST CORNER OF SECTION 6 IN TOWNSHIP 35 SOUTH, RANGE 3 WEST OF THE WILLAMETTE MERIDIAN IN JACKSON COUNTY, OREGON, THENCE NORTH 57°31'43" EAST 434.32 FEET TO A 5/8" STEEL PIN SITUATED ON THE NORTHERLY RIGHT OF WAY LINE OF EAST EVANS CREEK (COUNTY) ROAD FOR THE TRUE POINT OF BEGINNING; THENCE NORTH 28°12'58" EAST 138.94 FEET; THENCE SOUTH 76°40'58" WEST 97.35 FEET; THENCE NORTH 62°11'22" WEST 85.77 FEET; THENCE SOUTH 87°36'48" WEST 120.79 FEET; THENCE NORTH 59°54'02" WEST 73.03 FEET; THENCE NORTH 14°59'53" EAST 148.93 FEET; THENCE NORTH 40°16'17" WEST 133.00 FEET; THENCE NORTH 1°59'19" WEST 50.54 FEET; THENCE SOUTH 72°58'37" EAST 153.14 FEET; THENCE NORTH 19°01'58" EAST 130.75 FEET; THENCE NORTH 83°26'28" EAST 95.75 FEET; THENCE NORTH 53°00'28" EAST 95.01 FEET; THENCE NORTH 63°30'28" EAST 67.56 FEET; THENCE NORTH 0°09'41" EAST 1760.00 FEET; THENCE SOUTH 89°50'19" EAST 550.93 FEET TO A POINT ON THE EAST LINE OF GOVERNMENT LOT 5 IN SAID SECTION 6; THENCE NORTH 0°09'41" EAST 1274 EAST FEET, MORE OR LESS, TO THE NORTHEAST CORNER OF SAID LOT 5; THENCE NORTH 88°37'32" WEST 1123.62 FEET TO THE NORTHWEST CORNER OF SAID LOT 5; THENCE SOUTH 0°12'48" WEST, ALONG THE WEST LINE OF SAID SECTION 6; A DISTANCE OF 3790 FEET TO A POINT ON AFORESAID NORTHERLY RIGHT OF WAY LINE OF EAST EVANS CREEK (COUNTY) ROAD; THENCE EASTERLY, ALONG SAID RIGHT OF WAY LINE, 367 FEET, MORE OR LESS, TO THE TRUE POINT OF BEGINNING.

TRACT B:

COMMENCING AT THE SOUTHWEST CORNER OF SECTION 6, IN TOWNSHIP 35 SOUTH, RANGE 3 WEST OF THE WILLAMETTE MERIDIAN IN JACKSON COUNTY, OREGON, THENCE NORTH 57°31'43" EAST 434.32 FEET TO A 5/8" STEEL PIN SITUATED ON THE NORTHERLY RIGHT OF WAY LINE OF EAST EVANS CREEK (COUNTY) ROAD FOR THE TRUE POINT OF BEGINNING; THENCE NORTH

28°12'58" EAST 138.94 FEET; THENCE SOUTH 76°40'58" WEST 97.35 FEET; THENCE NORTH 28°12'58" EAST 138.94 FEET; THENCE SOUTH 76°40'58" WEST 97.35 FEET; THENCE NORTH 62°11'22" WEST 85.77 FEET; THENCE SOUTH 87°36'48" WEST 120.79 FEET; THENCE NORTH 59°54'02" WEST 73.03 FEET; THENCE NORTH 14°59'53" EAST 148.93 FEET; THENCE NORTH 40°16'17" WEST 133.00 FEET; THENCE NORTH 1°59'19" WEST 50.54 FEET; THENCE SOUTH 72°58'37" EAST 153.14 FEET; THENCE NORTH 79°09'23" EAST 78.31 FEET; THENCE NORTH 36°22'23" EAST 89.31 FEET; THENCE NORTH 19°01'58" EAST 130.75 FEET; THENCE NORTH 83°26'28" EAST 95.75 FEET; THENCE NORTH 53°00'28" EAST 95.01 FEET; THENCE NORTH 63°30'28" EAST 67.56 FEET; THENCE NORTH 0°09'41" EAST 1760.00 FEET; THENCE SOUTH 89°50'19" EAST 550.93 FEET TO A POINT ON THE EAST LINE OF GOVERNMENT LOT 5 IN SAID SECTION 6; THENCE SOUTH 0°09'41" WEST 2747.40 FEET TO THE SOUTHEAST CORNER OF GOVERNMENT LOT 7 IN SAID SECTION 6; THENCE NORTH 88°44'46" WEST, ALONG THE SOUTH LINE OF SAID SECTION, 368 FEET, MORE OR LESS, TO A POINT ON THE AFORESAID NORTHERLY RIGHT OF WAY LINE OF EAST EVANS CREEK (COUNTY) ROAD; THENCE NORTHWESTERLY, ALONG SAID RIGHT OF WAY LINE, 471 FEET, MORE OR LESS, TO THE TRUE POINT OF BEGINNING.

is now and during the pendency of this action will be within the jurisdiction of this Court.

III.

Defendant, *in rem*, 11385 East Evans Creek Road, Rogue River, Jackson County, State and District of Oregon, real property with buildings, appurtenances and improvements, represents real property that was used or intended to be used, in any manner or part, to commit, or to facilitate a transaction in violation of 21 U.S.C. § 801, *et. seq.*, and is forfeitable to the United States pursuant to the provisions of 21 U.S.C. § 881(a)(7), as more particularly set forth in the declaration of Ronald B. Phillips, Senior Financial Investigator, Drug Enforcement Administration marked as Exhibit A, attached and fully incorporated herein by this

reference.

WHEREFORE, plaintiff, United States of America, prays that due process issue to enforce the forfeiture of defendant, *in rem*, real property commonly known as 11385 East Evans Creek Road, Rogue River, Jackson County, State and District of Oregon, with buildings, appurtenances and improvements; that due notice be given to all interested persons to appear and show cause why forfeiture of this defendant, *in rem*, should not be decreed; that due proceedings be had thereon; that this defendant be forfeited to the United States; that the plaintiff United States of America be awarded its costs and disbursements incurred in this action.


Respectfully submitted this 7th day of November, 2012.

S. AMANDA MARSHALL
United States Attorney

/s/ Amy E. Potter
AMY E. POTTER
Assistant United States Attorney

VERIFICATION

I, RONALD B. PHILLIPS, declare, under penalty of perjury, pursuant to the provisions of 28 U.S.C. Section 1746, that I am a Senior Financial Investigator with the Drug Enforcement Administration and that the foregoing Complaint *in rem* for Forfeiture is made on the basis of information officially furnished and upon the basis of such information the Complaint *in rem* for Forfeiture is true as I verily believe.



Ronald B. Phillips
Senior Financial Investigator
Drug Enforcement Administration